

From: Sweeney, Stephen
To: Waye, Don
CC: allison.castellan@noaa.gov
Sent: 1/23/2015 12:12:01 PM
Subject: RE: Final version of the FRN?

Ex. 5 - Attorney Client

From: Waye, Don
Sent: Friday, January 23, 2015 12:01 PM
To: Sweeney, Stephen
Cc: allison.castellan@noaa.gov
Subject: RE: Final version of the FRN?

Steve,

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I agree that it's essential to get this wording right in the letter that needs to go out the state on 1/30, but we should get the FRN right, too.

Don

From: Sweeney, Stephen
Sent: Friday, January 23, 2015 10:58 AM
To: Waye, Don
Subject: RE: Final version of the FRN?

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

From: Waye, Don
Sent: Friday, January 23, 2015 10:55 AM
To: Sweeney, Stephen
Subject: RE: Final version of the FRN?

Steve,

That exact phrase is in there twice (in the version I sent out last night and in the final version that Allison just shared with everyone). Did we miss something?

Don

From: Sweeney, Stephen
Sent: Friday, January 23, 2015 9:23 AM
To: allison.castellan@noaa.gov; Waye, Don
Cc: Psyk, Christine; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; jeff.dillen@noaa.gov
Subject: RE: Final version of the FRN?

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From: Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]
Sent: Thursday, January 22, 2015 5:49 PM
To: Waye, Don
Cc: Psyk, Christine; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; jeff.dillen@noaa.gov
Subject: Re: Final version of the FRN?

Thank you very much Don. This looks very good. I'll look into the docket language tomorrow but if it's the same as it was last time, I don't think it would be an issue.

The only other edits I have is inserting "Fully" before "Approveable" into the heading and action to address Steve's earlier comment that we have already "approved" Oregon's program...we just haven't fully approved it. I also inserted Lynda's missing "s" and made one other small edit to my address to reflect the new routing code for my office.

On Thu, Jan 22, 2015 at 5:05 PM, Waye, Don <Waye.Don@epa.gov> wrote:
Allison,

I think we have a final version of the FRN, and it is 100% clean. See attached. I tried to honor all the discussion and decisions on this document to date.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

and Christine's desire that it be no more bureaucratic than required.

One note: it does not quite follow EPA's template for the docket language, but since the docket will reside at NOAA, can you please check to ensure that it follows NOAA format? (Is it helpful to know that it is consistent with the format we followed in December 2013, where NOAA also controlled the docket?)

Let me know what you think.

Don

From: Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]
Sent: Thursday, January 22, 2015 2:25 PM

To: Psyk, Christine

Cc: Waye, Don; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; jeff.dillen@noaa.gov

Subject: Re: Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the decision itself.

Don, if you could do the honors, that would be much appreciated as I'm finalizing the RtC, decision doc, and rollout plan.

On Thu, Jan 22, 2015 at 2:21 PM, Psyk, Christine <Psyk.Christine@epa.gov> wrote:

Don and Allison, I don't have an opinion on some of these comments. I'm also not an expert on FRN. My focus has been on tone and language and I didn't want the FRN to sound too bureaucratic and inside baseball. So, at this point, I don't have anything to add and I don't know what to change. Hence, I would like you and Allison to finalize the content and share a clean version of FRN with us. Can you guys do that? Thanks.

Christine Psyk, Associate Director
EPA Region 10, OWW
[206-553-1906](tel:206-553-1906)
Psyk.christine@epa.gov

From: Waye, Don

Sent: Thursday, January 22, 2015 11:09 AM

To: allison.castellan@noaa.gov; Psyk, Christine

Cc: Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer; jeff.dillen@noaa.gov

Subject: Status of Cover Letter and FRN - Reinserting language to clarify the FRN is a Notice of AVAILABILITY, not the decision itself.

All,

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Additionally, I thought we agreed to remove references to OSDs & New Dvpt. The docket that we are noticing the availability of makes no mention of these 2 MMs, so it is not appropriate to mention them in this notice of availability.

See attached. I have also attached the template that our Water Policy Office shared with me this morning for properly laying out the FRN. It supports §

Ex. 5 - Attorney Client

It also requires very specific language about the docket. However, we should defer to NOAA's template for describing the docket in the FRN since the docket will be on NOAA's website.

Thanks.

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: [202-566-1170](tel:202-566-1170)

From: Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]

Sent: Thursday, January 22, 2015 10:11 AM

To: Psyk, Christine

Cc: Waye, Don; Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Sweeney, Stephen; Joelle Gore - NOAA Federal; Croxton, Dave; Wu, Jennifer

Subject: Re: Status of Cover Letter and FRN

With the FRN containing my edit attached this time.

On Thu, Jan 22, 2015 at 10:10 AM, Allison Castellan - NOAA Federal <allison.castellan@noaa.gov> wrote:
I just have one small change to the FRN to fix an incorrect reference to forestry conditions (remember, OR was never conditioned on the forestry MMs, only on the need for additional MMs for forestry).

I think Joelle's edits to the cover letter look fine. However, in response to her comment that we haven't told the state that interim decisions are not final until public has commented, we have said this many times to the state in prior correspondence. The cover letter to every previous interim decision doc we sent gave them notice of this.

On Wed, Jan 21, 2015 at 5:34 PM, Psyk, Christine <Psyk.Christine@epa.gov> wrote:

After the back and forth, I will take the lead on finalizing the cover letter and the FRN. I've exchanged emails with Lynda and am fine with asking Dennis to sign the FRN rather than Ken. As an FYI, I am going to share the current draft, near final copies of both the cover letter and the FRN with Dennis and Will to check with them whether they are comfortable with tone and content given their communications with the State. I would like to finalize these two documents by the end of this week.

Thank you for all your help and good work. I can see the light at the end of the tunnel; we're getting there.

Christine Psyk, Associate Director
EPA Region 10, OWW
206-553-1906
Psyk.christine@epa.gov

From: Waye, Don
Sent: Wednesday, January 21, 2015 10:58 AM
To: Byrne, Jennifer; Carlin, Jayne; Hall, Lynda; Psyk, Christine; Sweeney, Stephen
Cc: Joelle Gore - NOAA Federal; allison.castellan@noaa.gov; Croxton, Dave; Wu, Jennifer
Subject: RE: Leads for Various Documents

I respectfully decline. It's in good hands with Christine.
(I was just serving as caretaker of the FRN process while Jayne was out 2 weeks ago anyway.)

I told Jayne I would oversee finalizing the interim decision document and transmittal letter for New Dvpt & OSDS.

From: Byrne, Jennifer
Sent: Wednesday, January 21, 2015 1:51 PM
To: Carlin, Jayne; Hall, Lynda; Psyk, Christine; Sweeney, Stephen
Cc: Waye, Don; Joelle Gore - NOAA Federal; allison.castellan@noaa.gov; Croxton, Dave; Wu, Jennifer
Subject: Re: Leads for Various Documents

I think we should switch back to Don. He was lead for FRN; it's just that on the manager's call last week, when I said I would be sending my comments in, a few folks asked me to make some changes and send it around. Let's get it back in Don's hands.

JB

Jennifer Byrne

From: Carlin, Jayne
Sent: Wednesday, January 21, 2015 10:29 AM
To: Hall, Lynda; Psyk, Christine; Sweeney, Stephen
Cc: Waye, Don; Joelle Gore - NOAA Federal; allison.castellan@noaa.gov; Byrne, Jennifer; Croxton, Dave; Wu, Jennifer
Subject: Leads for Various Documents

Hi All,

I implied leads when sending out the action items yesterday (see below).

Decision Document and Response to Comments Document:	Allison
Communications Roll Out Strategy:	Allison
Cover Letter:	Christine
Federal Register Notice: to Don)	JB (although maybe we should switch the lead
Tribal Letter	Jayne

OR CZARA Action Items

- Legal and managerial final review of decision document (without list of acronyms) and response to comments document: due by January 20. See Allison's email dated 1/15 on RtC. **Comments due to Allison on both documents by 1/20.**
- Allison will update the communications roll out strategy, including Qs and As by the end of this week. She will include contacts for Department of Forestry, Board of Forestry. (Completed see Allison's email dated 1/15) **Comments due to Allison by COB 1/21/15**
- Jayne will set up weekly managerial/legal meetings throughout February (Completed).
- Christine will send out revised cover letter by 1/15. (Completed). **Incorporated comments and sent out revised letter on 1/20. Send fatal flaw comments to Christine by COB 1/21/15.**
- JB will send out Federal Register Notice by COB on 1/14 (Completed). **Review Don's Email dated 1/20/15 for final draft and questions. Send all changes by COB on 1/21/15 to Jennifer Byrne with cc to all.** Will discuss any remaining revisions and signatory issue/process on during the manager's meeting on Thursday.

Non-Responsive

From: Waye, Don

Sent: Wednesday, January 21, 2015 1:08 PM

To: Sweeney, Stephen; Joelle Gore - NOAA Federal; Psyk, Christine

Cc: Hall, Lynda; allison.castellan@noaa.gov; Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Wu, Jennifer; Henning, Alan; jeff.dillen@noaa.gov

Subject: RE: next draft of FRN - Version Control Fail - Please remove Ken Kopocis' signature block

All,

This latest round of comments gets us closer to a great final product and is appreciated. However, there has been a failure of version control, as the version I sent out yesterday (which was to implement Steve Sweeney's recommendations from yesterday) have been ignored.

Ex. 5 - Attorney Client

Thanks.

Don

From: Sweeney, Stephen

Sent: Wednesday, January 21, 2015 12:05 PM

To: Joelle Gore - NOAA Federal; Psyk, Christine

Cc: Hall, Lynda; allison.castellan@noaa.gov; Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; jeff.dillen@noaa.gov

Subject: RE: next draft of FRN

Do Not Release – Withhold under applicable FOIA exemption privileges

I had some thoughts and suggested edits.

Regarding whether and what to say re: conditions satisfied to date ("interim" approvals), I have no views as a legal matter. I think the choices about whether and what are programmatic/policy matters.

I am available to discuss/explain other suggested edits.

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Steve

From: Joelle Gore - NOAA Federal [<mailto:joelle.gore@noaa.gov>]

Sent: Friday, January 16, 2015 1:45 PM

To: Psyk, Christine

Cc: Hall, Lynda; allison.castellan@noaa.gov; Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; jeff.dillen@noaa.gov; Barber, Anthony; Melissa Rada - NOAA Affiliate

Subject: Re: next draft of FRN

Hi everyone,

I've added a few comments to the FRN as well.

I think this is ready for legal review -- Jeff, Steve, and JB.

I wish there was some way to make this all less confusing.

I get lost in the words and references...I can't imagine the public's read.

Alas, I don't think there is a solution...perhaps just the nature of FRNs...especially this one.

Thanks for all the work, Joelle

On Thu, Jan 15, 2015 at 11:28 AM, Psyk, Christine <Psyk.Christine@epa.gov> wrote:

I'm okay with removing it as well since the FRN will be old news and the real news will be the decision letter in which we do acknowledge the progress the state has made.

Christine Psyk, Associate Director

EPA Region 10, OWW

206-553-1906

Psyk.christine@epa.gov

From: Hall, Lynda

Sent: Thursday, January 15, 2015 7:00 AM

To: allison.castellan@noaa.gov; Psyk, Christine

Cc: Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen;

jeff.dillen@noaa.gov; joelle.gore@noaa.gov; Barber, Anthony; Melissa Rada - NOAA Affiliate

Subject: RE: next draft of FRN

I think that had originally been my comment. I'm OK with removing.

Sent from my Windows Phone

From: Allison Castellan - NOAA Federal

Sent: 1/14/2015 7:18 PM

To: Psyk, Christine

Cc: Byrne, Jennifer; Carlin, Jayne; Croxton, Dave; Hall, Lynda; Waye, Don; Wu, Jennifer; Henning, Alan; Sweeney, Stephen; jeff.dillen@noaa.gov; joelle.gore@noaa.gov; Barber, Anthony; Melissa Rada - NOAA Affiliate

Subject: Re: next draft of FRN

I think it looks fine except for the comments adding language about which MMs we have given interim approval to. I thought we agreed on the call today that we would only focus on forestry---the basis for the disapproval decision and that the FRN was not the place to get into the other MMs. See comment attached.

On Wed, Jan 14, 2015 at 6:35 PM, Psyk, Christine <Psyk.Christine@epa.gov> wrote:

My comments on the FRN are added to the version Jennifer commented on. It's looking good. I am particularly

National Oceanic and Atmospheric Administration, SSMC4
Silver Spring, MD 20910
Phone: 301-563-1125
Fax: 301-713-4004
allison.castellan@noaa.gov
<http://coast.noaa.gov>

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joelle gore
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acting chief, stewardship division
1305 east-west highway
ssmc 4, room 10622
silver spring, maryland 20910
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Coastal Management Specialist
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